

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

**RULE 16 REQUEST**

-against-

**LAMOR WHITEHEAD,**

**IND# 22-CR-692 (LGS)**

Defendant.

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Your Honor,

Through this letter counsel Dawn M. Florio, Esq. is making a written request for discovery pursuant Federal Rule of Criminal Procedure 16. The following specific discovery is requested herein under Federal Rule of Criminal Procedure 16(1)(E)(i):

1. Any and all books, papers, documents, data, photographs, tangible objects, buildings, or places, or copies or portions of any of these items, within the possession, custody, or control of the Government regarding Brandon Belmonte, his prior criminal acts, and any statements made in relation to this case.
2. Specifically any and all items listed in the attached discovery production inventories from the Eastern District of New York, which is in possession of material including that in these inventories, as well as wiretaps and related materials, related to Brandon Belmonte. This material includes the period of time where Mr. Belmonte was working with federal law enforcement regarding Mr. Whitehead's case.

Federal Rule of Criminal Procedure 16(1)(E)(i) states, in relevant part, that “[u]pon a defendant’s request, the government must permit the defendant to inspect and copy or photograph books, papers, documents, data, photographs, tangible objects, buildings, or places, or copies or portions of any of these items, if the item is within the government’s possession, custody, or control and the item is material to preparing the defense[.]”

On December 4, 2023, a request for this discovery was made to the Government. The above mentioned discovery does exist, it is laid out in two publicly available docket entries in Eastern District of New York case 23-CR-313 (BMC), United States v. Brandon Belmonte. Document 11 and Document 12 in that case are inventories for Rule 16 Discovery in that case. This discovery is in the possession of

the United States Government, as they produced it in Mr. Belmonte's case. The Government's response to our request for discovery was that these items are in the possession of the EDNY, and therefore that the SDNY cannot hand them over. As such we request an order that the Government, in either the EDNY or SDNY, produce all of the discovery listed in Documents 11 and 12 of case 23-CR-313 and any other discovery responsive to the above request. The defense believes that this material is material to preparation of our defense, specifically preparation for cross examination. Additionally this discovery seems to include a wiretap of Mr. Belmonte's phone, which is relevant to any potential communications with any other individuals related to his communications with Mr. Whitehead.

DATED: New York, New York  
December 20, 2023

Yours, etc.,

*Dawn M. Florio*

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